

UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

Brian Nicolas Zervos

Case No.

Case: 2:23-mj-30102

Assigned To : Unassigned

Assign. Date : 3/10/2023

SEALED MATTER (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2019 through February 2023 in the county of Wayne and elsewhere in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 2251
 18 U.S.C. § 2422(b)
 18 U.S.C. § 2252A(a)(2)
 18 U.S.C. § 2252A(a)(5)(B)

Offense Description

Sexual Exploitation of Children
 Online Enticement of a Minor
 Receipt of Child Pornography
 Possession and Access with Intent to View Child Pornography

This criminal complaint is based on these facts:

see attached affidavit.

Continued on the attached sheet.



Complainant's signature

Matthew R. Hughes, Special Agent (FBI)

Printed name and title



Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: March 10, 2023

City and state: Detroit, Michigan

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Matthew R. Hughes, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the FBI since October 2019 and am currently assigned to the FBI Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, post Academy training, and everyday work related to conducting these types of investigations.

2. I have received training in the area of child pornography and child exploitation and have reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251(a), 2422(b), and 2252A. I am authorized by law to request an arrest warrant.

3. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Brian Nicolas Zervos** (date of birth **/**/1984)

for violations of 18 U.S.C. § 2251 (sexual exploitation of children), 18 U.S.C. § 2422(b) (online enticement of a minor), 18 U.S.C. § 2252A(a)(2) (receipt of child pornography), and 18 U.S.C. § 2252A(a)(5)(B) (possession and access with intent to view child pornography).

4. The statements contained in this affidavit are based in part on information provided by U.S. federal law enforcement agents, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents/officers, information gathered from investigative sources of information, and my experience, training and background as a Special Agent. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that **Zervos** has violated the aforementioned offenses.

SUMMARY OF PROBABLE CAUSE

5. In January 2020, a user of the Internet account at a residence in River Rouge, Michigan had been linked to an online community of individuals who regularly send and receive child pornography via a website that operated on the Tor anonymity network. A federal search warrant was executed at the residence on January 30, 2020. Brian Zervos was identified as an occupant of the residence.

Several devices were recovered from the premises but were wiped clean or destroyed prior to seizure. Zervos was not charged. In February 2023, a police report was made to River Rouge Police Department in Michigan that Zervos had sexually assaulted a minor female born in 2007 (MV1) and had forced her to watch child pornography. MV1 later detailed in a forensic interview multiple instances of sexual assaults by Zervos on her, that Zervos directed her to make sexually explicit images, and provided detailed descriptions of the child pornography made and viewed by MV1. MV1 stored nude images and videos on her Snapchat account and knew that Zervos logged into her account to view the images and videos. Snapchat subpoena returns showed that Zervos logged into her account on multiple occasions.

PROBABLE CAUSE

6. In August 2019 a foreign law enforcement agency known to provide reliable information to investigative partners contacted the FBI. The foreign law enforcement agency provided information that a user with the IP address 68.56.99.176 accessed a child pornography website using the TOR browser.

7. The TOR browser is known to be an internet browser designed to obfuscate the ability to discover the identify of a user or track their activities.

8. A review of the site the user accessed revealed a post from a site member titled “Toddler Fuck” in the “Toddlers (2-5yo)” forum. The post contained an image depicting a prepubescent male toddler, appearing naked and exposing his

genitals, on his back while an adult male penis entered his anus. The image focused on the exposed adult male penis entering the toddler.

9. On October 4, 2019, a subpoena was served to Comcast requesting subscriber information for IP address 68.56.99.176 assigned on May 8, 2019 at 05:18:48 UTC. On October 4, 2019, Comcast provided the subscriber as BRIAN ZERVOS, with service at an address in River Rouge, Michigan.

10. On or about December 19, 2019, the FBI received police reports from River Rouge Police Department regarding BRIAN ZERVOS. In one of the reports, from April of 2004, ZERVOS was listed as the subject in the harboring of a 14-year-old female runaway. ZERVOS was 19 years old at the time. According to the report, ZERVOS lied about the child being at his home located in River Rouge. Pursuant to a consent search, River Rouge Police located the child in the home. At the time, ZERVOS was believed to have been in a sexual relationship with the 14-year-old. The Wayne County Prosecutor's Office charged ZERVOS with contributing to the delinquency of minors. ZERVOS pleaded guilty and the charges were disposed under the Michigan Holmes Youthful Trainee Act (HYTA).

11. On January 30, 2020, a federal search warrant was executed at Zervos's residence in River Rouge, based upon the above-described information. Zervos was present, along with at least one other individual, at the residence at the time of the search warrant. Several phones and computers were seized from the premises. Each

of the devices were either wiped or destroyed prior to the execution of the search warrant. Subsequent reviews of the devices did not yield any images or videos that were identified as child pornography. Zervos was not charged at the time of the search warrant.

12. On or about February 22, 2023, FBI Detroit received a tip that Zervos was sexually assaulting a minor female known and close to him (MV1). MV1 was born in 2007. The complainant stated that he/she made a police report to River Rouge Police Department and provided MV1's cell phone to the police department.

13. I received a copy of the police report from River Rouge Police Department. The officer who took the report stated that MV1 disclosed that Zervos had attempted to sexually assault her on multiple occasions. Zervos had also forced MV1 to watch child pornography with him and he masturbated while they watched.

14. The officer at River Rouge Police Department stated that the child pornography was described as a young child or infant being anally raped. The description of the video matched the videos that were being searched for by law enforcement in January 2020.

15. MV1's guardian was interviewed on or about February 23, 2023. MV1's guardian stated that MV1 initially reported the incident with the child pornography to her and stated that it occurred within the past three years. MV1's guardian provided an Apple iPad to me with consent to review the contents.

16. MV1's guardian stated that s/he had reviewed MV1's phone and iPad and identified several nude images of MV1 within her camera roll. MV1's guardian was unsure who the photos may have been sent to.

17. I reviewed the contents of the Apple iPad on or about February 23, 2023. The iPad contained numerous conversations with Zervos through multiple applications, including Snapchat.

18. In a review of the Snapchat conversations, I identified several images that MV1 sent to Zervos of MV1 dressed and posing in a suggestive or sexually provocative manner. MV1 sent Zervos images of multiple pairs of her underwear as well. There was no context provided to the images in the chats but the application showed that MV1 sent the images and Zervos saved the images.

19. The iPad contained a series of images of MV1 posing nude in a folder labeled "Snapchat". The images were created on October 11, 2022, between 8:31 PM and 9:16 PM. The series contained approximately 35 images. Based on my training and experience, approximately 15 of the images meet the federal definition of child pornography.

20. Within the Snapchat conversation between Zervos and MV1, Zervos had saved two of the images in the series. The two saved images occurred at approximately 8:33 PM and 9:09 PM. The images that Zervos saved did not meet the federal definition of child pornography. I believe that it is likely Zervos received

other images that do qualify as child pornography from MV1.

21. Based on training and experience I know that users within a Snapchat conversation can identify specific messages to save while others will automatically delete after a set amount of time.

22. I was unable to identify any conversations that corroborated the statements made by MV1, but in many cases the conversations appeared disjoined or lacking context, suggesting that only parts of the conversations had been saved or had been partially deleted.

23. MV1 was interviewed by a child and adolescent forensic interviewer on March 8, 2023. MV1 stated that Zervos began having sex with her in July 2019. He has had sex with her in multiple areas of his house, having had sex with her at least 30 times. He frequently gave her drugs, such as marijuana or cocaine, to get her relaxed enough to have sex with him.

24. MV1 stated that Zervos would go to his bathroom for hours at a time and she became curious about why he went in there. She accessed his iPad and found TOR installed in the applications. Zervos then began showing her the child pornography he would download onto his iPad. MV1 described the child pornography as images depicting young children between the ages of 2 and 12. She described images of children's genitals that looked as though they had recently had penetrative sex performed on them. She stated that she last watched child

pornography with Zervos in or around March 2022.

25. MV1 stated that she saved nude images and videos of herself into her Snapchat memories page and “My Eyes Only” page. MV1 described the images as fully nude images of herself. She stated the videos depicted herself masturbating, at times using household objects such as a hairbrush. As detailed below, these images were often made at the request of Zervos.

26. MV1 stated that her and Zervos shared each other’s Snapchat logins. They would send each other a text message with the code phrase “need for speed” to indicate that they wanted to log into the other person’s Snapchat profile. Zervos would tell MV1 that he was logging into her account to view the nude images she had saved. MV1 logged into Zervos’ account to view images and videos of him masturbating that were saved in his “My Eyes Only” section of his Snapchat account.

27. MV1 stated that Zervos texted her or sent her messages on Snapchat requesting that she make images or videos, and would coach her on what poses to use or what to do in the images and videos. Zervos and MV1 would often delete their conversations because they did not want anyone to see what they were doing.

28. MV1 stated they were careful not to send each other the images and videos, or they would delete them, because they knew Zervos could get into significant trouble if the images were found. As a result, Zervos would log into her account specifically to view the images and videos she created.

CONCLUSION

29. Based on the foregoing, there is probable cause to believe that **Brian Nicolas Zervos** is in violation of 18 U.S.C. § 2251 (sexual exploitation of children), 18 U.S.C. § 2422(b) (online enticement of a minor), 18 U.S.C. § 2252A(a)(2) (receipt of child pornography), and 18 U.S.C. § 2252A(a)(5)(B) (possession and access with intent to view child pornography).

Respectfully submitted,



Matthew R. Hughes, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. ANTHONY P. PATTI
UNITED STATES MAGISTRATE JUDGE

Date: March 10, 2023